

SHB 2389 - S COMM AMD

By Committee on Transportation

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 46.16.381 and 2005 c 390 s 2 are each amended to read
4 as follows:

5 (1) The director shall grant special parking privileges to any
6 person who has a disability that limits or impairs the ability to walk
7 or involves acute sensitivity to light and meets one of the following
8 criteria, as determined by a licensed physician or an advanced
9 registered nurse practitioner licensed under chapter 18.79 RCW:

10 (a) Cannot walk two hundred feet without stopping to rest;

11 (b) Is severely limited in ability to walk due to arthritic,
12 neurological, or orthopedic condition;

13 (c) Is so severely disabled, that the person cannot walk without
14 the use of or assistance from a brace, cane, another person, prosthetic
15 device, wheelchair, or other assistive device;

16 (d) Uses portable oxygen;

17 (e) Is restricted by lung disease to such an extent that forced
18 expiratory respiratory volume, when measured by spirometry is less than
19 one liter per second or the arterial oxygen tension is less than sixty
20 mm/hg on room air at rest;

21 (f) Impairment by cardiovascular disease or cardiac condition to
22 the extent that the person's functional limitations are classified as
23 class III or IV under standards accepted by the American Heart
24 Association; ((~~or~~))

25 (g) Has a disability resulting from an acute sensitivity to
26 automobile emissions which limits or impairs the ability to walk. The
27 personal physician or advanced registered nurse practitioner of the
28 applicant shall document that the disability is comparable in severity
29 to the others listed in this subsection; or

1 (h) Is restricted by a form of porphyria to the extent that the
2 applicant would significantly benefit from a decrease in exposure to
3 light.

4 (2) The applications for parking permits for persons with
5 disabilities and parking permits for persons with temporary
6 disabilities are official state documents. Knowingly providing false
7 information in conjunction with the application is a gross misdemeanor
8 punishable under chapter 9A.20 RCW. The following statement must
9 appear on each application form immediately below the physician's or
10 advanced registered nurse practitioner's signature and immediately
11 below the applicant's signature: "A parking permit for a person with
12 disabilities may be issued only for a medical necessity that severely
13 affects mobility or involves acute sensitivity to light (RCW
14 46.16.381). Knowingly providing false information on this application
15 is a gross misdemeanor. The penalty is up to one year in jail and a
16 fine of up to \$5,000 or both."

17 (3) Persons who qualify for special parking privileges are entitled
18 to receive from the department of licensing a removable windshield
19 placard bearing the international symbol of access and an individual
20 serial number, along with a special identification card bearing the
21 name and date of birth of the person to whom the placard is issued, and
22 the placard's serial number. The special identification card shall be
23 issued no later than January 1, 2000, to all persons who are issued
24 parking placards, including those issued for temporary disabilities,
25 and special parking license plates for persons with disabilities. The
26 department shall design the placard to be displayed when the vehicle is
27 parked by suspending it from the rearview mirror, or in the absence of
28 a rearview mirror the card may be displayed on the dashboard of any
29 vehicle used to transport the person with disabilities. Instead of
30 regular motor vehicle license plates, persons with disabilities are
31 entitled to receive special license plates under this section or RCW
32 46.16.385 bearing the international symbol of access for one vehicle
33 registered in the name of the person with disabilities. Persons with
34 disabilities who are not issued the special license plates are entitled
35 to receive a second special placard upon submitting a written request
36 to the department. Persons who have been issued the parking privileges
37 and who are using a vehicle or are riding in a vehicle displaying the
38 placard or special license plates issued under this section or RCW

1 46.16.385 may park in places reserved for persons with physical
2 disabilities. The director shall adopt rules providing for the
3 issuance of special placards and license plates to public
4 transportation authorities, nursing homes licensed under chapter 18.51
5 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen
6 centers, private nonprofit agencies as defined in chapter 24.03 RCW,
7 and vehicles registered with the department as cabulances that
8 regularly transport persons with disabilities who have been determined
9 eligible for special parking privileges provided under this section.
10 The director may issue special license plates for a vehicle registered
11 in the name of the public transportation authority, nursing home,
12 boarding home, senior citizen center, private nonprofit agency, or
13 cabulance service if the vehicle is primarily used to transport persons
14 with disabilities described in this section. Public transportation
15 authorities, nursing homes, boarding homes, senior citizen centers,
16 private nonprofit agencies, and cabulance services are responsible for
17 insuring that the special placards and license plates are not used
18 improperly and are responsible for all fines and penalties for improper
19 use.

20 (4) Whenever the person with disabilities transfers or assigns his
21 or her interest in the vehicle, the special license plates shall be
22 removed from the motor vehicle. If another vehicle is acquired by the
23 person with disabilities and the vehicle owner qualifies for a special
24 plate, the plate shall be attached to the vehicle, and the director
25 shall be immediately notified of the transfer of the plate. If another
26 vehicle is not acquired by the person with disabilities, the removed
27 plate shall be immediately surrendered to the director.

28 (5) The special license plate shall be renewed in the same manner
29 and at the time required for the renewal of regular motor vehicle
30 license plates under this chapter. No special license plate may be
31 issued to a person who is temporarily disabled. A person who has a
32 condition expected to improve within six months may be issued a
33 temporary placard for a period not to exceed six months. If the
34 condition exists after six months a new temporary placard shall be
35 issued upon receipt of a new certification from the person's physician.
36 The permanent parking placard and identification card of a person with
37 disabilities shall be renewed at least every five years, as required by
38 the director, by satisfactory proof of the right to continued use of

1 the privileges. In the event of the permit holder's death, the parking
2 placard and identification card must be immediately surrendered to the
3 department. The department shall match and purge its data base of
4 parking permits issued to persons with disabilities with available
5 death record information at least every twelve months.

6 (6) Each person with disabilities who has been issued a permanent
7 parking permit on or before July 1, 1998, must renew the permit no
8 later than July 1, 2003, subject to a schedule to be set by the
9 department, or the permit will expire.

10 (7) Additional fees shall not be charged for the issuance of the
11 special placards or the identification cards. No additional fee may be
12 charged for the issuance of the special license plates except the
13 regular motor vehicle registration fee and any other fees and taxes
14 required to be paid upon registration of a motor vehicle.

15 (8) Any unauthorized use of the special placard, special license
16 plate issued under this section or RCW 46.16.385, or identification
17 card is a traffic infraction with a monetary penalty of two hundred
18 fifty dollars.

19 (9) It is a parking infraction, with a monetary penalty of two
20 hundred fifty dollars for a person to make inaccessible the access
21 aisle located next to a space reserved for persons with physical
22 disabilities. The clerk of the court shall report all violations
23 related to this subsection to the department.

24 (10) It is a parking infraction, with a monetary penalty of two
25 hundred fifty dollars for any person to park a vehicle in a parking
26 place provided on private property without charge or on public property
27 reserved for persons with physical disabilities without a placard or
28 special license plate issued under this section or RCW 46.16.385. If
29 a person is charged with a violation, the person shall not be
30 determined to have committed an infraction if the person produces in
31 court or before the court appearance the placard or special license
32 plate issued under this section or RCW 46.16.385 required under this
33 section. A local jurisdiction providing nonmetered, on-street parking
34 places reserved for persons with physical disabilities may impose by
35 ordinance time restrictions of no less than four hours on the use of
36 these parking places. A local jurisdiction may impose by ordinance
37 time restrictions of no less than four hours on the use of nonreserved,

1 on-street parking spaces by vehicles displaying the special parking
2 placards or special license plates issued under this section or RCW
3 46.16.385. All time restrictions must be clearly posted.

4 (11) The penalties imposed under subsections (9) and (10) of this
5 section shall be used by that local jurisdiction exclusively for law
6 enforcement. The court may also impose an additional penalty
7 sufficient to reimburse the local jurisdiction for any costs it may
8 have incurred in removal and storage of the improperly parked vehicle.

9 (12) Except as provided by subsection (2) of this section, it is a
10 traffic infraction with a monetary penalty of two hundred fifty dollars
11 for any person willfully to obtain a special license plate issued under
12 this section or RCW 46.16.385, placard, or identification card in a
13 manner other than that established under this section.

14 (13)(a) A law enforcement agency authorized to enforce parking laws
15 may appoint volunteers, with a limited commission, to issue notices of
16 infractions for violations of this section or RCW 46.61.581.
17 Volunteers must be at least twenty-one years of age. The law
18 enforcement agency appointing volunteers may establish any other
19 qualifications the agency deems desirable.

20 (b) An agency appointing volunteers under this section must provide
21 training to the volunteers before authorizing them to issue notices of
22 infractions.

23 (c) A notice of infraction issued by a volunteer appointed under
24 this subsection has the same force and effect as a notice of infraction
25 issued by a police officer for the same offense.

26 (d) A police officer or a volunteer may request a person to show
27 the person's identification card or special parking placard when
28 investigating the possibility of a violation of this section. If the
29 request is refused, the person in charge of the vehicle may be issued
30 a notice of infraction for a violation of this section.

31 (14) For second or subsequent violations of this section, in
32 addition to a monetary fine, the violator must complete a minimum of
33 forty hours of:

34 (a) Community restitution for a nonprofit organization that serves
35 persons having disabilities or disabling diseases; or

36 (b) Any other community restitution that may sensitize the violator
37 to the needs and obstacles faced by persons who have disabilities.

1 (15) The court may not suspend more than one-half of any fine
2 imposed under subsection (8), (9), (10), or (12) of this section.

3 NEW SECTION. **Sec. 2.** This act takes effect July 1, 2006."

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4 On page 1, line 2 of the title, after "privileges;" strike the
5 remainder of the title and insert "amending RCW 46.16.381; and
6 providing an effective date."

EFFECT: Amends the notice to applicants and physicians regarding penalties for knowingly providing false information to indicate that "[a] parking permit for a person with disabilities may be issued only for a medical necessity that severely affects mobility or involves acute sensitivity to light...."

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